



ASPECTS OF SHAYBANI'S DOCTRINE ON
EARNING A LIVING: ANNOTATED TRANSLATION
ON SELECTION FROM KITĀB AL-KASB

BY

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ABSTRACT

This dissertation presents an annotated English translation of selected parts of *Kitāb al-kasb* – a famous piece of classical *al-Kasb* literature composed by Muḥammad b. al-Hasan al-Shaybānī (d.804 CE). It covers a wide array of issues concerning the earning of significant livelihood. Amongst the most notable ones are obligation of types of earning, rules and etiquettes to be followed in economic pursuits, avoidance of extravagance in spending, virtues of wealth and vices of poverty. While al-Shaybānī persistently underscores the indispensability of earning and illustrates thankfulness for wealth to patience in poverty, he does not neglect the overriding necessity of restraining and guiding economic pursuits with moral-ethical-spiritual bridles. Exploration of this balancing attitude of al-Shaybānī is the main subject of this present study. In the context of contemporary endeavour by economically- challenged Muslim nations and individuals, discovering this balance may provide economic advancement.

ملخص البحث

هذه الرسالة هي عبارة عن ترجمة انكليزية مشروحة و مختارة من كتاب الكسب و هو من كتب الآداب الاسلامية القديمة المشهورة كتبه محمد بن الحسن الشيباني المتوفى سنة ٨٠٤هـ. وهو يشمل مجموعة واسعة من القضايا المتعلقة بطلب كسب المعيشة ، وجوب طلب الكسب ، أنواع مختلفة من الكسب، والقواعد التي ينبغي اتباعها في آداب الطلب في الإقتصاد الاسلامي، الاسراف في الإنفاق ، فضائل الاموال و رذائل الثروة و الفقر. هذه من بين القضايا البارزة التي تناولها الموضوع. ويؤكد الامام الشيباني اهمية طلب الكسب ويفضل الغني الشاكر على الفقير الصابر. بالاضافة الى ذلك إهتم الشيباني بضرورة كبح وتوجيه الاقتصاد مع القيم الأخلاقية والروحية وفي اطار الجهود المعاصرة التي تقوم بها الامة الاسلامية المعاصرة اقتصاديا من اجل التقدم الاقتصادي - على مستوى المجتمع والافراد معا - يعد هذا السلوك عملا توازنيا حقا.

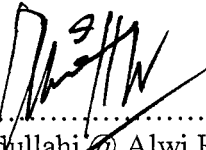
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DECLARATION

I hereby declare that this dissertation is the result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

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ANNOTATED TRANSLATION ON SELECTION FROM KITĀB AL-
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CHAPTER ONE

INTRODUCTION

1.1 INTRODUCTION

Muslims must have knowledge of *ṭawḥīd*, as it is the foundation of religion. All branches of Islamic knowledge are related to and based on *ṭawḥīd*, such as, Islamic Jurisprudence, Islamic economics, etc. In this contemporary world, Western economy dominates the system of economy of Muslims countries such as, banks, companies, markets and etc. As a result, Muslims are familiar with the conventional system, and they neglect the Islamic Economic system. We are confused; we lack the power that will make us independent, and we lack the right scholars who will guide the *ummah* to the right direction.

The Islamic economic system needs to be implemented in full, after that we need to Islamize what needs to be Islamized from the conventional system. The issue of interest, business transactions, *ḥalāl*, *ḥarām* provisions and earning of good wealth should be put into practice. Muslims must be abiding by the *Sharī'ah* law and regulations, at the same time Islamic norms and ethics have to be put into practice. Hence we need to read authoritative classical works, conducting research and writing in learned journals concerning the area. So I make this selection from the book of al-Shaybānī, because of the prominence of the author and the vital importance of the book. Imām ibn al-Ḥasan al-Shaybānī (d. 189 A.H) was a great scholar who wrote many books and trained many scholars. He was the first scholar who treated the issue of wealth, earning, saving and spending in Islam. All these indicate the vital importance of his book *al-Kasb*. The Original text of *al-Kasb* does not reach us. The text which

Imām al-Sarakhsī commentated on is combined together with his book *al-Mabsūṭ*. And additionally, *al-Mabsūṭ* is one of the primary sources in the Ḥanafī School of jurisprudence, which also shows the essential importance of the book *al-Kasb*. Many books were written on the same subject matter, with different titles but with context of similar nature. My writing focuses on earning. Hence, I selected a few topics in the book which precisely refer to the relevant topics, when earning will become compulsory, the necessity of helping the needy, gratitude to Allāh for His bounties and other similar topics. There are five copies of *Kitāb al-Kasb* which ‘Abd al-Fattāḥ Abū Ghuddah mentioned in the introduction of his edition of the work

The differences between these five copies are slight, which do not alter or change the meanings of the real text. Another important point is that, Imām al-Shāybānī named his book *Kitāb al-Kasb*. The title *al-Iktisāb Fī Rizq al-Mustaṭāb* was not given by him but some recent editors named of the work. My translation is based mainly on *Kitāb al-Kasb* edited by ‘Abd al-Fattāḥ Abū Ghuddah and not including the *Risālah al-Ḥalāl wa al-Ḥarām* by Shaykh al-Islām ibn Taimīyyah which is published together with it under the same cover.

1.1.1 Objectives of Research

I wish to write my thesis on this book because of the position of that scholar in the *Ḥanafī* school of law. His works especially in *fiqh* clearly benefited the *ummah*. Moreover, Imām al-Shaybānī is the first scholar who treated the issue of capital, earning, saving and spending in Islam, which is known today as Islamic economics. However, he also treated other issues such as international relations. These indicate the vastness and diversity of the scholar in the field of knowledge. Indeed, some scholars on Islamic economics give much consideration to the study of the book *al-*

Kasb and the biography of Imām Muḥammad. Moreover, researches of many contemporary Islamic economics coincide in contents and substance with those of *al-Kasb* or rather they even refer to his book *al-Kasb*. Many contemporary Islamic scholars have written on al-Shaybānī and his book *al-Kasb*, such as, Aḥmad Shawqī Dunyā, in his book *al-Awwal min Silsilati 'Ālām Iqtisāṭ al-Islāmī*, etc.¹

1.1.2 Literature Review

The author of the book (may Allāh bless his soul), mentions the earning of prophets and the companions but he does not mention the examples of business men among the followers of the companion, i.e, *at-Tābi'in* and the prominent classical scholars. Further, in the same book also he mentions the rules on *ṣadaqah*. Yet he does not discuss the classification of the obligatory *ṣadaqah* and the non-obligatory ones. He also mentions the eight classes of people who are entitled to receive *zakāt*. He mentions the four types of earning which are through: labour, business, agriculture and handcraft. Islam insists Muslims to strive for their livelihood, and not to be dependent on others. Islam laid some rules and regulations as well as ethics on how Muslims can earn with the spirit of liberality (*iḥṣān*) justice, and trust.

Shaykh al-Imām al-‘Ālim al-‘Āmil ‘Alā’ al-Dīn ‘Alī bin al-Labūdī, discusses in his book *Kitāb al-Faḍl al-Ikhtisāb wa Aḥkām al-Kasb wa ‘Ādāb al-Ma’īshah* “The Book of Good Earning, Rules of Earning, and Ethics of Earning a Living”. He analyzes the significance or the virtues of earning and its motivation. Furthermore, he discusses the correct knowledge and practice of buying and selling and good manners. He goes further, by mentioning the good ways of earning, such as, farming, cultivation of land, irrigation and etc. Additionally, he also mentions the unlawful

¹ Abū Ghuddah ‘Abd al- Fattāh, *Risālat al-Ḥalāl wa al-Ḥarām wa Ba’d Qawā’idihimā fī al-Mu‘āmalat al-Māliya*, (Beirut: Maktabah al-Maṭbu‘āt al-Islāmīyah bi Halb (Aleppo), 1997).

ways of earning such as, prostitution, stealing, consulting magicians and selling of dogs which are not trained for special purposes. Hence, he mentions that, the business men should protect themselves from committing oppression, deceit and cheating.²

In the work *Risālah al-Ḥalāl wa al-Ḥarām wa Ba'du Qawā'idihima fi Mu'āmalāt al-Māliya* by Imām Shaykh al-Islām Aḥmad Ibn Taymiyya al-Ḥarrānī al-Dimashq (d.728 A.H) it is stated that the author composed it because he was asked by some people when he was in Egypt: “the possibility of earning *ḥalāl* wealth in that time.” He answered them by presenting some foundations in *fiqh* and important juridical principles which would clarify the issue. Moreover, he explains the ways in which jurists held different views on the issue in Islamic sacred law. Another interesting aspect of that work is that he discusses among others the virtue of self contentment in connection with earning of wealth. Islam motivates Muslims to conduct permissible business transactions with sincerity and putting into practice Islamic ethics.³

Imām al-Ghazālī in his book *Iḥyā' Ulūm al-Dīn*, discusses the issue of earning for a living. The Imām encourages people to seek for permissible ways for earning a living, and criticizes prohibited ways of doing so. Furthermore, he discusses the different types and degrees of the prohibited ways of earning for livelihood and the various degrees of self contentment while in the act of earning for one's livelihood. The work also discusses the various categories of doubtful matters as to their permissibility or otherwise in the sacred law and their effects on man's life and personality, and how they differ from those which are clearly in the categories of the permissible and the prohibited matters. Kindness is one of the values in the ethics of

² Suhāil Zakkār, *Risalatani fi al-Kasb*, (Beirut, Dār Al-Fikr, 1997).

³ Imām Shaykh al-Islam Aḥmad bin Taimiyyah al-Ḥarrānī al-Dimishqī, *Risālat al-Ḥalāl wa al-Ḥarām wa Ba'du Qawā'idihima fi al-Mu'āmalāt al-Māliyah*, (Aleppo [Ḥalba] : (Maktab al-Maṭbu'āt) ,5.

business which need to be implemented in our transactions in Muslim sacred law, which will make one's business blessed in the sight of Allāh. Allāh says: "for the Mercy of Allāh is (always) near to those who do good."⁴ The proper way of earning livelihood in Islamic sacred law is through earning permissible material goods by means of striving in good conduct which will ultimately lead to goodness for the believer in the hereafter. Moreover, permissible earning for livelihood can be done through trade, partnership, getting loans with clear understanding of the conditions, in the proper legal manner, as done in permissible contracts in the sacred law.⁵

In the book *al-Makāsib al-Rizq al-Ḥalāl wa Ḥaḡiqah al -Tawakkul 'alā Allāh*, the author al-Ḥarīth bin Asad al-Muḡāsibī (d.243 A.H) analyzes the ways of earning good wealth. Further, he discusses in it the virtue of reliance upon Allāh which should be practiced by the spiritual personages in Islām as well the common men among Muslims, should be observed together with asceticism in relation to the act of keeping wealth in cases of necessity and also in relation to abstaining from doing so in suitable circumstances . Allāh says: "O ye people! Eat of what is on earth, lawful and good."⁶ This *sūrah* indicates that people should utilize the good things in life which Allāh has blessed them with and the believers should not avoid material goods of this world. Further, the prophets also earned for their livelihood. Allāh says: on the earning of Dāwūd (A.S). "And We made iron soft for him."⁷

In addition, he discusses the issue of earning a living and the acquisition of wealth through it, together with the views against this, as well as those elements which are praise worthy and the opposite position in relation to this important issue. Allāh

⁴ Qur'ān, *al-A'rāf*, (7): 56.

⁵ Imām Abū Ḥamid Muḡammad bin Muḡammad al-Ghazālī, *Iḡyā' Ulūm Dīn*, (Misra: Maktabah al-Tijāriyah Al-Kubra).

⁶ Qur'ān, *al-Baqarah*, (2) :168.

⁷ Qur'ān, *Saba*, (34) : 10.

says: “O ye who believe! Eat not up your property among yourselves in vanities but let there be amongst you traffic and trade by mutual good-will,”⁸

Then the author proceeds to the issue of self contentment, its qualities and definitions. The definitions of self contentment are many but two are mentioned. Self contentment is to leave what you doubt, and others define it as staying away from any doubtful matters when the *halāl* is not clearly understood. Lastly, he brought the issue of ownership by force (*ghaṣb*). Moreover, he addresses the objectives of keeping oneself hungry and provides replies to those who claim it as worship, in connection with self contentment in food and dress.⁹

Yūsuf al-Qarḍawī discusses the issues of redistribution of wealth and problems of poverty and Islamic remedy to it in the work *Mushkilah al-Faqr wa Kaifa 'Alajaha al-Islām*. The author discusses the issue of poverty and the ways of its solutions. True to its comprehensive view of life and its issues, Islam provides ways of redistribution of wealth to the poor. Poverty has effect on the belief, ethics and morality, family, society and life of mankind. The author mentions six ways of eliminating poverty, which precisely indicate the necessity for redistribution of wealth. One of these ways is through work. Indeed each person in Muslim society is in need of work. Believers are commanded by Allāh to go round the world searching for His bounties. Work is the first instrument of fighting poverty and having means of distributing of wealth. Second of these ways is by contributing to the poor among relatives. Allah tells believers to worship Him alone and do good to their parents, neighbours, orphans and etc. Islam emphasizes doing rightful actions neighbors. Feeding children, patients, divorcees, and old men is also part of the redistribution of wealth.

⁸ *Qur'ān, An-Nisā'*, (4) : 29.

⁹ Al-Ḥārīth bin Asad al-Muhāsibī, *al-Makāsib al-Rizq al-Halāl wa Haqīqat al-Tawakkul 'ālā Allāh*, (Qāhirah: Maktabah al-Qur'ān).

Moreover, proper and effective distribution of *zakāt* constitutes the backbone of the redistribution of wealth. Indeed, Allah makes this compulsory upon those who have wealth. Its distribution will reduce the difficulties of the poor and the needy and provide a little feeling of joy for them. In addition, *zakāt* brings solidarity and brotherhood among Muslims. The third method among these ways is through the functioning of the *Bayt al-Māl* and the distribution of spoils of war, *fay'* and *kharāj*¹⁰ which constitute means for

The fourth method among these, apart from the payment of *zakāt*, is the meat from animal sacrifice on the day of the festival of sacrifice ('Īd al-'Aḏḥā) the payment of expiations to be put by reason of *zihār*,¹¹ the payment of expiations of those who have sex in day time during Ramaḏān, and the fulfillment of the animal sacrificed (*al-hady*) on those who have to pay such expiations by reasons of their mistakes during the rites of the pilgrimage.¹²

¹⁰ *Al-kharāj* –literally means revenue, in the sacred law means a special form of tax taken on land from farmers which are placed in to the public treasury (*Bayt al-Māl*). This idea was brought by Umar when he kept the land gained by the Muslims as a booty without distributing to the fighters, but rather allowed the land to be in the hands of the owners and taking *kharāj* from them. See: Dr. Nazīh Ḥammād, *Mu'jam al-Muṣṭalahāt al-Iqtisādīyah fi Luḡhat al-Fuqahā'*, (U.S.A:the International Institute of Islamic Thought), 125; see: (late) Dr. Abid Aḥmad Alī, *Kitāb al-Kharāj (Islamic Revenue Code)*, (Lahore: Islamic Book Centre), 42.

Fay' - literally means returning (*al-Rujū'*), in sacred law means wealth which is collected from enemies (*Ahl- al-Ḥarba*) in peace without going through war. See: Dr. Nazīh Ḥammād, *Mu'jam al-Muṣṭalahāt al-Iqtisādīyah fi Luḡhat al-Fuqahā'*, (U.S.A:International Institute of Islamic Thought), 220; according to the preferable view in the sacred law the Imām will share the booty among Muslims according to necessity without considering the categories mention, Allah says: “What Allah has bestowed on His messenger (and taken a way) from the people of the townships ,-belong to Allah,- to His Messenger and to Kindred and orphans, the needy and wayfarer; in order that it may not (merely) make a circuit between the wealthy among you. So take what the Messenger assign to you, and deny yourselves that which he withholds from you. And fear Allah for Allah is strict in Punishment.” Al-Ḥashr:7, Muḥammad bin Ibrāhīm bin Abd al- Rahmān al-Rabī', *al-Fay' wa al-Ganīma wa Maṣārifahimā*, (Riyadh:Maktab al-Taubah), 79.

¹¹ *zihar*- means saying of husband to his wife: you are to me like the back of my mother. And whoever commits such offence of *zihar* his penalty is to observe fasting, feeding, or freeing a slave. Allah says in relation to matter of *zihar* in order to indicate its prohibition “If any man among you divorces their wives by *zihar* (calling them mothers), they cannot be their mothers except those who gave them birth. And in fact they use word (both) iniquitous and false: but truly Allah is the one that blots out (sins), and forgives (again and again), *al-Mujādalah*: 2, C.M Shafqat, *The Muslim Marriage, Dower and Divorce*, (Lahore: Law Publishing Comapay), 127.

¹² Yūsuf Qarḏawī, *Mushkilah al-Faqar wa Kaifa 'Alajaha al-Islām*, (Qāhīrah: Maktabah al- wabbah), 1995.

Aḥmad bin Aḥmad Muḥammad Abd Allāh al-Ta'wīl, also discusses in his book *Talab al-Rizq bayna al-Ḥalāl wa al-Ḥarām wa Shubh* (Earning Between The Permitted and the Prohibited and That Which is in Doubt) He mentions the significance of *ḥalāl* earning in day to day life. Moreover, he discusses the position of the different types of earning for a living such as, rearing of animals, farming, utilizing the dead land and practice of handcrafts. Further, he also discusses the position of earning for livelihood in the life of prophets, the life of peoples during the Caliphate as well as the efforts in earning for a living among the Companions may Allah be pleased with them.¹³

1.1.3 Methodology

This research is going to be in the form of translation with annotations of some selected topics in the book stated above. The researcher will use relevant books or dictionaries for giving comments or defining terms and phrases. In doing so, he also will utilize the notes given by the editor of the work to add clarity to the issues in the text.

Biography of al-Imām Muḥammad bin al-Ḥasan al-Shaybānī

1. His Name
2. Educational Life of Imām Muḥammad bin Ḥasan al-Shaybānī
3. His Attendance in the Academic Sessions of Imām Abū Ḥanīfah
4. Teachers of Imām Muḥammad bin Ḥasan al-Shaybānī in *Fiqh* and *Ḥadīth*
5. Students of Imām Muḥammad bin Ḥasan al-Shaybānī

¹³ Aḥmad bin Aḥmad Muḥammad 'Abd Allāh, *Talab al-Rizq bayna al-Ḥalāl wa al-Ḥarām wa Shubh*, (Riyāḍ: Dār al-Muslim, edition 1994).

6. Works of Imām Muḥammad bin Ḥasan al-Shaybānī
7. Position of Imām Muḥammad in independent disciplined judgment in the sacred law.

1. Name and Nisbah

Muḥammad bin al-Ḥasan bin Farqad, Abū ‘Abd Allāh (al-Shaybānī *Walā’*) means shaybānī was adopted by the family of *al-shaibah* according to majority of the scholars. But other scholars are of the view that his genealogy can in actual fact be traced back to the Shaybānī family. Further, according to the majority of the historians, Imām Muḥammad was born in year 132 A.H, and they have agreed that his place of birth was in Bawāsit, one of the cities in Iraq. Further, some historians disputed on the original place of his birth. Some said he was from Harasta one of the cities in Dimashq. However, some historians, such as, Ibn Sa’d (230 A.H) and Ibn Jarīr al-Ṭabarī (310 A.H) mentioned that the origin of Imām Muḥammad’s family was from al-Jazīrah ‘Aqūr (‘Aqūr island) which is situated between Dijlah and Furāt in Irāq. Finally, the last city that he lived in with his family was al-Kūfah.

2. The Life of Scholarship of Imām Muḥammad bin Hasan al-Shaybānī

Imām Muḥammad by grace of Allāh was raised in a cultural and intellectual environment which made him participate in the spread of knowledge; and additionally he was fortunate and blessed in that he lived a life of ease.

Indeed, this helpful conducive environment for knowledge, peace of mind and life of ease are the major factors which led to the success of his life as a scholar and made him manifest his intellectual potentialities excellently.

It seems that, he did not enjoy parental attention till the time he begins his journey for seeking knowledge, as we realized that others were saying that Muḥammad bin al-Ḥasan inherited from his father thirty thousand *dirhams*, he spent fifteen thousand on Arabic Grammar and poetry and another fifteen thousand on *Ḥadīth* and *Fiqh*. Significantly, this spending indicates his seriousness on knowledge. Moreover, Imām Muḥammad was so devoted to the life of learning that he would not do anything which would disturb his life as seeker of knowledge and his participation in its dissemination. His life in comfort and the conducive environment for the pursuit of learning influenced him immensely in making him go along the correct lines in the pursuit of knowledge. Further, a number of factors effectively influenced him in a decisive manner leading to the emergence of his personality with its intellectual glory and finesse. These factors are his hidden talents and the formation of his intellectual acumen which determined his hidden talents and the formation of his intellectual habitus which determined his success and established position in learning and religious guidance

3. His Attendance in Academic Sessions of Imām Abū Ḥanīfah:

By the time Imām Muḥammad started his life in Kūfah, during the era of Caliph Ali, (may Allah be pleased with him) he became well known in the field of knowledge. He developed into a scholar with immense knowledge as result of the training he obtained from prominent scholars in Kūfah, among them was the prominent Imām. In his young age Imām Shaybāni attended the classes of Imām Abū Ḥanīfah

The reason for his joining the *ḥalaqa* of Imām Abū Ḥanīfah was because he could learn from him knowledge which he wanted to put into actual practice in his own life.

Imām Sarakhsī mentioned that Imām Abū Ḥanīfah once said during his academic session “If one prays *ṣalāh al-Ishā’*, then has a wet dream, he then later recognizes it before the time (of *al-Ishā’*) is out, he must repeat the prayer according to our School of jurist prudence. Fortunately this is the first issue that Imām Muḥammad heard from Abū Ḥanīfah (may Allāh bless him) and the very same issue happened to him the previous night. It was narrated that he came from a rich family. In spite of his easy circumstances in life, after hearing this issue, he came into the mosque and prayed *Ishā’* as a replacement of the first one, then Abū Ḥanīfah asked him, what kind of *ṣalāh* is that? Then he replied by narrating what had happened to him the previous night, Abū Ḥanīfah said to him: “you should keep attending our academic session, indeed you will succeed.” In addition Abū Ḥanīfah wishes him the best, as a result of what he had studied from him.

In line with what is mentioned earlier, Muḥammad began to attend his academic sessions because Imām Abū Ḥanīfah hopes for Shaybānī goodness and excellence in seeking knowledge. Moreover, Abū Ḥanīfah began to sympathize with him so that he would attend the Imām’s session regularly. This is how Shaybānī spent four years acquiring knowledge from the distinguished scholar until his demise. Later on, Shaybānī continued with his studies under Qāḍī Abū Yūsuf (d.182), the successor of Abū Ḥanīfah and completed his study under him.

4. The Trip of Imām Shaybānī to Madina and his Learning under Imām Mālik.

When Imām Mālik bin Anas brought forth *al-Muwatta’a* the followers of his sessions, and many scholars from among the jurists and traditionists went to Madinah to study under him. And al- Shaybānī was among those who went to Madina for that noble purpose. Imām Shaybānī stayed in Madīna for three years and several months to study

under the Imām Mālik, and what he had heard from Imām Mālik was a total number of more than seven hundred narrations of the traditions of the Messenger of Allāh.

5. His Utter Patience in Staying in the *Mihrāb* Being in Sleeplessness for the Sake of Seeking Knowledge

Indeed, Imām Shaybānī -may Allah bless him- after leaving Madinah and then going to Kūfah it was not for long, because thereafter he proceeded to Baghdad, and subsequently many people came to him to listen to his lectures and ask him various questions. As his concern was recording knowledge and disseminating it to others, just like his main concern while he was in Kūfah, he had to spend long duration of time living alone, keeping away from the pomp and glory of worldly life of ordinary people, away from posts and positions.¹⁴

Some authorities narrated through Muḥammad bin Samā' that al-Shaybānī had said: "Indeed, Muḥammad bin Ḥasan told his family do not ask me any matters concerning worldly material, then you disturb my mind, collect whatever you need from my agent, indeed my mind will relax, and lessen my ambition for worldly glory."

Apart from the above, the great scholar Burhān al-Dīn Zarnūjī mentioned in his book *Ta'līm al-Muta'allim* said: "al-Shaybānī was not sleeping at night and usually keeps his books with Burhān al-Dīn Zarnūjī. Then when he gets tired of reading a certain book he changes to another one. He usually keeps a cup of water besides him

¹⁴ Literally *mihrāb* means, the front portion in the mosque where Imām stays for prayer or room in a house or a special place in a meeting room. See: Muḥammad bin Mukrim bin Manzūr al-Ifirqiyy al-Misrī , *Lisān al-Arab*, (Beirut: Dār al-Ṣādr), vol.1,302; and also in the book of the biography of Imām bin Muḥammad al-Shaybānī, it means room because he keeps himself in one place and not to be engaged with any thing except knowledge. Ali Aḥmad al-Nadwī, *Alām al-Muslimīn* 47, *al-Imām Muḥammad bin al-Ḥasan al-Shaybānī Nābigat al-Fiqh al-Islāmī*, (Dimashq: Dār al-Qalam), 19194.

to keep himself away from sleeping, and he was saying: “indeed sleeping is from heat”.

When he stays longer in the night, his problems were solved, he was saying: “how can children of princes will get this intellectual pleasure and luxury.

Al-Shaybānī may Allah bless him said: “Whoever wishes to leave studying our Islamic knowledge for sometime, let him do away with it totally, indeed our business of seeking knowledge is forever.”

Imām Shaybānī was blessed with the virtues of sincerity of intentions and firmness of purpose, the two qualities which will bring scholars to higher levels of knowledge, understanding, as well as the attainment of real success and glory in therein.

6. Teachers of Imām Muhammad al-Shaybani in *Fiqh* and *Ḥadīth*:

1. Imām Abū Hanīfah (d.150 A.H) : al-Nu'mān bin Thābit bin Zauti , al-Kūfī, Maulā Banī Taymi Allāh bin Tha'labah
2. Imām Abū Yūsuf (182 A.H): Ya'qūb bin Ibrāhīm.
3. Imām Mālik (d.179 A.H) : Shayk al-Islām, Ḥujjah al- Ummah, Imām Dārul al-Hijrah, 'Abū Abd Allāh Mālik bin Anas bin Mālik bin Abī 'Amīr al-Uṣbuḥī al-Madanī
4. Ibn Jurāij al-Makkī (d.150 A.H): 'Abd al- Mālik bin 'Abd al-Azīz bin Jurāij, al-Imām, al-'Allāmah, al-Ḥāfīz, Shayk al-Ḥaram, Abū Khālid, Abū Khālid, and Abū al-Walīd al-Qurashī al-Amawī, al-Makkī.
5. Mis'ar bin Kidām (d.153A.H): Mis'ar bin Kidām bin Zuhār bin 'Ubaidah bin al-Ḥārīth , al-Imām al-Thabt, Shayk of Iraq, Abū Salmah Al-Hilālī al-Kūfī al-Ahwāl al-Ḥafīz .

6. Students of Imām Muḥammad al-Shaybānī:

1. Imām al-Shāfi‘ī (d.204): Muḥammad bin Idrīs bin ‘Abbās bin ‘Uthmān bin Shāfi‘ī bin Sā‘ib bin ‘Ubaid bin ‘Abd al- Yazīd bin Hāshim bin al-Muṭṭallab bin ‘Abd al- Manāfi’ bin Qusāi bin Kilāb bin Murah bin Ka‘ab bin Lu‘ayy bin Ghālib. Abū ‘Abd allāh al-Qurashī and then al-Muṭṭalabi al-shāfi‘ al-Makkī.
2. Shu‘ib al-Kasānī (d.204 A.H): Shu‘ib bin Sulaymān bin Kaisān bin Shu‘ib al-Kisānī.
3. Abū Sulaimān al-Juzjānī (d.200 A.H): al-‘Allāmah al-Imām, Abū Sulaymān, Mūsā bin Sulaymān al-Juzjānī al-Ḥanāfi,
4. Khalaf bin ‘Ayyūb (d.205 A.H): al-Imām al-Muḥaddīth al-Faqīh, Muftī al-Mashriq, Abū Sa‘id al-‘Āmirī al-Balkhī al-Ḥanāfi al-Zāhid .
5. Ibrāhim al-Marwazī (d.210 A.H): Ibrāhim bin Rustum, Abū Bakar, al-Marwazī.

7. Works of Imām Muḥammad Shaybānī

The works of Imām Shaybānī are not in the same level in terms of value and authenticity; they can be put into three categories:

1. Books of Zāhir al-Rawāyah (clear and manifest narration): It was named *Zāhir Riwāyah* or *‘Uṣūl* (fundamental principles) because it was narrated from Imām Muḥammad al-Shaybānī through authentic narrators. Moreover, this narration was confirmed from him was either Mutawātirah (*ḥadīth* which narrated by many) or *Mashhūrah* (*ḥadīth* which narrated by few). Here are example of such books: *al-Mabsūt al-‘Aṣl*, *Al-Jāmi‘ al-Ṣaghīr*, *al-Siyar al-Ṣighīr*, *al-Siyar al-Kabīr* , *al-Jāmi‘ al-Kabīr*, *al-Ziyādah*.

2. Books which were placed at level of *Zāhir al-Riwāyah*: such as, *Kitāb al-Muwatta'* from the narration of Muḥammad, *Kitāb al-Hujjah* on Aḥl al-Madīna, and *Kitāb al-Āthār*.
3. Books of Imām Muḥammad which are not *Zāhir al-Ruwāyah*, those books were not narrated from Imām Muḥammad with authentic narration, such as, books that are listed in the first category.

8. Position of Imām Muḥammad in Independent Judgment in the Sacred Law

Ijtihād means striving and reasoning on extracting rules from sources of Islam with evidence, based on evidences (*adillah*) from the Qur'an, Sunnah, consensus, juristic deduction and its branches; this capability is found in the major *mujtahid* scholars of the community. Al-'Alāmah Ibn Kamāl Bāsha classifying jurists into seven classes but he mentions only two of them.

The level of *Mujtahid* in the *Sharī'ah* such as, the four Imāms and whoever followed their footsteps in establishing the rules of jurisprudence ('*Usūl*) and forming rules from secondary sources (al-Far') from four evidences (*al-adillah*) without following others in the major issues in jurisprudence or in the minor ones.

The *Mujtahid* within particular schools of the four Imāms, about whom it is said: "he is the one who puts into actual practice and makes decisions based on the principles[of jurisprudence] of his Imām together with his evidences. Moreover, the *mujtahid* utilize the text of his Imām as a foundation. The *Mujtahid* is one who uses the texts as a foundation for deducting secondary rules and implements those rules when he is unable to deduct from the evidences (*adillah*), [of the original primary proof-texts].